

## REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on June 20, 2017 at Kyle City Hall with the following persons present:

Mayor Todd Webster	Tony Spano
Mayor Pro Tem Damon Fogley	Valeri Redd
Council Member Travis Mitchell	Larkin Tackett
Council Member Becky Selbera	Cathleen Chang
Council Member Shane Arabie	Jon Snyder
Council Member David Wilson	Sharon Smith
Council Member Daphne Tenorio	David Mendez
Scott Sellers, City Manager	
James Earp, Assistant City Manager	
Molly Solis, Assistant City Attorney	
Jerry Hendrix, Chief of Staff	
Kim Hilsenbeck, Communications Specialist	
Jennifer Vetrano, City Secretary	
Leon Barba, City Engineer	
Kathy Roecker, SWMP Administrator	
Perwez Moheet, Finance Director	
Matt Dawson, IT Director	
Danielle Harvey, IT Technician	
Howard Koontz, Community Dev Director	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Police Captain	
Andre Marmolejo, Police Lieutenant	
Harper Wilder, Director of Public Works	

### I. Call Meeting To Order

Mayor Webster called the meeting to order at 7:02 p.m. Mayor Webster asked the secretary to call roll.

Present were: Mayor Webster, Council Member Mitchell, Council Member Selbera, Council Member Arabie, Council Member Wilson, Mayor Pro Tem Fogley, and Council Member Tenorio. A quorum was present.

### II. Approval of minutes

1. City Council Regular Meeting Minutes - June 6, 2017. ~ *Jennifer Vetrano, City Secretary*  
Item No. 1 Attachments

Mayor Webster brought forward Item No. 1.

## CITY COUNCIL MEETING MINUTES

June 20, 2017 – Page 2

Kyle City Hall

Council Member Tenorio moved to approve the City Council Regular Meeting Minutes of June 6, 2017. Council Member Arabie seconded the motion. All votes aye; motion carried 7-0.

### III. Citizen Comment Period with City Council

The City Council welcomes comments from Citizens early in the agenda of regular meetings. Those wishing to speak are encouraged to sign in before the meeting begins. Speakers may be provided with an opportunity to speak during this time period on any agenda item or any other matter concerning city business, and they must observe the three-minute time limit.

Mayor Webster opened citizen comments at 7:03 p.m.

Tony Spano was called to speak on behalf of the Kyle Area Chamber of Commerce. He spoke about the name change of the roads - Goforth, and Bunton. He stated that the Chamber has been working with the businesses that will be affected by the potential name change. They have had face-to-face contact with 16 of the 17, but have made contact with all 17 businesses. Mayor Webster thanked the Chamber for their outreach.

Jerry Hendrix was called to speak. He introduced Matt Dawson, the City's new IT Director.

With no one else wishing to speak, and no objections to closing citizen comments, Mayor Webster closed citizen comments at 7:09 p.m.

### IV. Recognition

2. Mayoral Proclamation recognizing Valeri Redd and Girl Scout Gold Award Day. ~ *R. Todd Webster, Mayor*  
Item No. 2 Attachments

Mayor Webster brought forward Item No. 2 and presented the proclamation. Valeri Redd spoke about her project and her involvement with the Girl Scouts.

### V. Presentation

3. Progress report on all road bond projects including latest project cost estimates. ~ *Leon Barba, P.E., City Engineer*  
Item No. 3 Cover Sheet

Mayor Webster brought forward Item No. 3 for discussion. Mr. Barba presented the road bond update. No action was taken.

4. Presentation on Rail House grant request. ~ *Howard J. Koontz, Director of Planning and Community Development*  
Item No. 4 Cover Sheet

Mayor Webster brought forward Item No. 4 for discussion. Mr. Koontz presented the item. No action was taken.

## CITY COUNCIL MEETING MINUTES

June 20, 2017 – Page 3

Kyle City Hall

### VI. Consent Agenda

Mayor Webster asked if there were any items to be pulled from the Consent Agenda. Council Member Mitchell pulled item no. 7, and Council Member Selbera pulled item no. 12. With no objections, Mayor Webster brought forward Item Nos. 5, 6, 8, 9, 10, 11, and 13.

5. Authorize award and execution of a Purchase Order to ANDERSON MACHINERY COMPANY, San Antonio, Texas, in an amount not to exceed \$115,044.13 for the purchase of a new Gehl VT-320 Skid Steer and assorted attachments through the Buy Board Purchasing Co-Operative for the Storm Drainage & Flood Mitigation Utility in Public Works Department. ~ *Harper Wilder, Director of Public Works*  
Item No. 5 Attachments
6. Authorize award and execution of a Purchase Order to HD SUPPLY WATERWORKS, Kyle, Texas, lowest and most responsible bidder, in an amount not to exceed \$102,781.77 for all needed materials for the Old Stagecoach Road 12" Water Line Project for the Public Works Department. ~ *Harper Wilder, Director of Public Works*  
Item No. 6 Attachments
8. Approve Change Order No. 1 to TTE, LLC, Spicewood, Texas, in an amount not to exceed \$12,015.00 for a total contract amount of \$76,215.00 for installing additional electrical devices for monitoring the lift stations and wastewater treatment plant. ~ *Leon Barba, P.E., City Engineer*  
Item No. 8 Attachments
9. Approve contract Task Order No. 9 to NEPTUNE-WILKINSON ASSOCIATES, INC., Austin, Texas, in an amount not to exceed \$32,000.00 for the purpose of providing engineering and inspection services for rehabilitation of the Dacy Lane Elevated Tank (300,000 gallons) and ground storage tank No. 2 at Yarrington Road (500,000 gallons). ~ *Leon Barba, P.E., City Engineer*  
Item No. 9 Attachments
10. A Resolution of the City Council of the City of Kyle, Texas accepting the Woodlands Park, Phase 3 subdivision improvements; finding and determining that the meeting at which this Resolution is passed was noticed and is open to the Public as required by law. ~ *Leon Barba, P.E., City Engineer*  
Item No. 10 Attachments
11. Approve the site plan for ACC Hays Campus Phase 2 Expansion (SD-17-004) 96.093 acres; 1 lot located at 1200 Kohler's Crossing. ~ *Howard J. Koontz, Director of Planning and Community Development*  
*Planning and Zoning Commission voted 6-0 to approve the site plan.*  
Item No. 11 Attachments
13. Declaring certain items from the Information Technology Department as surplus and also directing the appropriate city staff to advertise and sell the items in accordance with city policy. ~ *Matt Dawson, IT Director*  
Item No. 13 Attachments

Council Member Wilson moved to approve Consent Agenda Item Nos. 5, 6, 8, 9, 10, 11, and 13. Council Member Tenorio seconded the motion.

## CITY COUNCIL MEETING MINUTES

June 20, 2017 – Page 4

Kyle City Hall

Mayor Webster was reminded that staff requested Item No. 10 to be pulled and postponed. Council Member Wilson withdrew his motion.

Council Member Wilson moved to approve Consent Agenda Item Nos. 5, 6, 8, 9, 11, and 13. Council Member Arabie seconded the motion. All votes aye; motion carried 7-0.

10. A Resolution of the City Council of the City of Kyle, Texas accepting the Woodlands Park, Phase 3 subdivision improvements; finding and determining that the meeting at which this Resolution is passed was noticed and is open to the Public as required by law.  
~ *Leon Barba, P.E., City Engineer*  
Item No. 10 Attachments

Mayor Webster moved to postpone a resolution of the City Council of the City of Kyle, Texas accepting the Woodlands Park, Phase 3 subdivision improvements until June 28, 2017. Council Member Selbera seconded the motion. All votes aye; motion carried 7-0.

7. Authorize award and execution of a Purchase Order to CUSTOM TRENCH, INC., Austin, Texas, lowest and most responsible bidder, in an amount not to exceed \$26,081.00 to provide trenching services for the Old Stagecoach Road 12" Water Line Project for the Public Works Department. ~ *Harper Wilder, Director of Public Works*  
Item No. 7 Attachments

Mayor Webster brought forward Item No. 7 and gave the floor to Council Member Mitchell. Council Member Mitchell stated that there was a discrepancy on how the item was bid, and he asked Harper Wilder to explain the discrepancy. Mr. Wilder described the error as typographical. The line items, when totaled up were short, but the line items were all correct. Council Member Mitchell posed to Council a direction to staff to create a policy moving forward that a technical error in a bid would cause a resubmittal for all contractors. Council discussed the process. Perwez Moheet, Director of Finance, recommended that if Council were to direct a policy change, then the City should start the process over, cancelling the current bid. Scott Sellers, City Manager, stated his concern of delay of projects if the bid process must be restarted.

Council Member Tenorio moved to authorize award and execution of a purchase order to Custom Trench, Inc., Austin, Texas, lowest and most responsible bidder, in an amount not to exceed \$26,081.00 to provide trenching services for the Old Stagecoach Road 12" Water Line Project for the Public Works Department. Mayor Pro Tem Fogley seconded the motion.

Mayor Webster requested a roll call vote. Council Member Arabie voted aye, Council Member Selbera voted aye, Council Member Mitchell voted aye, Mayor Pro Tem Fogley voted aye, Council Member Wilson voted aye, Council Member Tenorio voted aye, and Mayor Webster voted aye. All votes aye; motion carried 7-0.

12. Approve a resolution to establish a dedicated bank account and a separate fund to account for non-City revenue and expenditures associated with fees collected from trainings, conferences and other initiatives determined by the Municipal Separate Storm Sewer

## CITY COUNCIL MEETING MINUTES

June 20, 2017 – Page 5

Kyle City Hall

System (MS4) collaboration group. This group includes the City of Kyle, Texas, the City of San Marcos, Texas, the City of New Braunfels, Texas and Texas State University.

~ *Kathy Roecker, Stormwater Management Plan Administrator*

Item No. 12 Attachments

Mayor Webster brought forward Item No. 12 and gave the floor to Council Member Selbera. She asked whether Ms. Roecker had met with the city of San Marcos and city of New Braunfels. Ms. Roecker responded affirmatively, that the group has been meeting twice monthly since January 2016. She presented the item. She announced their plans to host statewide annual conferences beginning January 28, 2018, and they need a mechanism to collect the funds.

Council Member Selbera moved to approve a resolution to establish a dedicated bank account and a separate fund to account for non-City revenue and expenditures associated with fees collected from trainings, conferences and other initiatives determined by the Municipal Separate Storm Sewer System (MS4) collaboration group. This group includes the City of Kyle, Texas, the City of San Marcos, Texas, the City of New Braunfels, Texas and Texas State University. Council Member Arabie seconded the motion. All votes aye; motion carried 7-0.

### VII. General Discussion

14. Discussion regarding the Mayor's signature requirement to comply with federal tax law for tax-exempt financing for bond financing documents, IDEA Public Schools. ~ *R. Todd Webster, Mayor*

Item No. 14 Cover Sheet

Mayor Webster brought forward Item No. 14 for discussion and presented the item. Mayor Webster introduced Larkin Tackett, the Vice President of Growth and Advancement for IDEA Public Schools in Austin, who spoke about the history of IDEA Public Schools. In response to Council Member Tenorio's comment, Cathleen Chang, bond counsel, stated that the public hearing is allowed to be held as a joint event when multiple locations are within a certain distance. Mayor Webster stated new legislation provides for charter schools partnering with a school district to turn around a low performing campus it can reset the accountability rating. He stated his hope that if both sides are willing, that a higher level of collaboration between the organizations.

### VIII. Consider and Possible Action

15. Consider and possible action on pertinent items related to the Service and Assessment Plan and Finance Agreement for the Blanco River Ranch PID. ~ *Jon Snyder, PIDWorks*

Item No. 15 Cover Sheet

Mayor Webster brought forward Item No. 15 for discussion. Mr. Snyder presented the item. Sharon Smith spoke regarding the financing agreement and the acquisition and reimbursement agreement. David Mendez with Bickerstaff, bond counsel, addressed Council Member Mitchell's question. He stated that only specific things can be paid for with PID bonds, and the City Council has the ability to vet the costs to be reimbursed. Mr. Sellers spoke about market feasibility, with relationship to the assessment not exceeding the cap. No action was taken.

## CITY COUNCIL MEETING MINUTES

June 20, 2017 – Page 6

Kyle City Hall

16. (First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 4.566 acres of land from Multi-Family Residential-3 'R-3-3' to Retail Service District 'RS' for property located at the northwest corner of Marketplace Avenue and S. FM 1626, in Hays County, Texas. (Sheldon-Tanglewood, Ltd. - Z-17-011). ~ *Howard J. Koontz, Director of Planning and Community Development*  
*Planning and Zoning Commission voted 6-0 to recommend approval of the request.*
- Public Hearing
- Item No. 16 Attachments

Mayor Webster brought forward Item No. 16 for discussion. Mr. Koontz presented the item.

Mayor Webster opened the public hearing at 8:53 p.m. With no one wishing to speak, and no objections to closing the public hearing, Mayor Webster closed the public hearing at 8:53 p.m.

Council Member Wilson moved to approve an ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 4.566 acres of land from Multi-Family Residential-3 'R-3-3' to Retail Service District 'RS' for property located at the northwest corner of Marketplace Avenue and S. FM 1626, in Hays County, Texas. Mayor Pro Tem Fogley seconded the motion. All votes aye; motion carried 7-0. There were no objections to having the item finally passed.

17. [Postponed 6/6/2017] (Second Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 98.106 acres of land from Single Family Residential Attached 'R-1-A' and Single Family Residential-2 'R-1-2' to Single Family Residential-3 'R-1-3' for property located off of Bunton Lane approximately 2,000 feet east of Twin Estates Drive, in Hays County, Texas. (Magnolia Reserve, LLC - Z-17-009). ~ *Howard J. Koontz, Director of Planning and Community Development*  
*Planning and Zoning Commission voted 6-0 to recommend approval of the request.*  
Item No. 17 Attachments

Mayor Webster brought forward Item No. 17 for discussion. Mr. Koontz presented the item.

Council Member Tenorio moved to deny an ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 98.106 acres of land from Single Family Residential Attached 'R-1-A' and Single Family Residential-2 'R-1-2' to Single Family Residential-3 'R-1-3' for property located off of Bunton Lane approximately 2,000 feet east of Twin Estates Drive, in Hays County, Texas. Motion failed for lack of a second.

Mayor Webster moved to approve an ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 98.106 acres of land from Single Family Residential Attached 'R-1-A' and Single Family Residential-2 'R-1-2' to Single Family Residential-3 'R-1-3' for property located off of Bunton Lane approximately 2,000 feet east of Twin Estates Drive, in Hays County, Texas. Council Member Selbera seconded the motion.

## CITY COUNCIL MEETING MINUTES

June 20, 2017 – Page 7

Kyle City Hall

Mayor Webster requested a roll call vote. Mayor Webster voted aye, Council Member Wilson voted aye, Council Member Tenorio voted nay, Council Member Arabie voted aye, Mayor Pro Tem Fogley voted aye, Council Member Mitchell voted nay, and Council Member Selbera voted aye. Motion carried 5-2 with Council Members Mitchell and Tenorio dissenting.

18. Authorize the City Manager to enter negotiations with Axon to begin processes for a possible contract for Police in-car video, body worn video, less lethal weapons, and digital evidence storage and management. ~ *Jeff Barnett, Chief of Police*  
Item No. 18 Attachments

Mayor Webster brought forward Item No. 18 for discussion. Mr. Barnett presented the item.

Council Member Tenorio moved to authorize the City Manager to enter negotiations with Axon to begin processes for a possible contract for Police in-car video, body worn video, less lethal weapons, and digital evidence storage and management. Mayor Pro Tem Fogley seconded the motion.

There was discussion on the motion. Council Member Mitchell asked why a data storage management company is providing Taser equipment. Chief Barnett explained that the business expanded, and that it had started out as a Taser company, but recognized a need to provide additional products. Council Member Arabie asked about our recourse for getting out of the contract with the current company whose product is failing. Mayor Webster stated his support, but he said that this close to the budget, bringing forward this type of emergency need raises suspicion for him. He spoke about his experience with other agencies using unencumbered funds near the end of the budget cycle. Mr. Sellers stated that this is not an emergency, and they can continue through the budget year. Council Member Selbera asked about the warrant fees and municipal court. Director of Finance Perwez Moheet stated that while citations have decreased, part of this expense would be funded from citation revenues - Court Technology Fund. Council Member Tenorio commented that for Data 911 plus the Tasers would be \$81,000, but for \$82,000, the equipment will be replaced on rotation plus a timesaving of over \$200,000 per year. She stated that it is very compelling for her to get this started.

Motion carried 6-1 with Council Member Arabie dissenting.

### IX. City Manager's Report

19. Update on various capital improvement projects, road projects, building program, and/or general operational activities where no action is required. ~ *J. Scott Sellers, City Manager*  
Item No. 19 Cover Sheet

Mr. Sellers announced that he will be out of the office next week and Mr. Earp will be Acting City Manager. He also announced the Special Council Meeting that will be called for June 28 for the earlier-postponed consent agenda item, but also for an item related to the Plum Creek Vue Apartments. The developer would like to close on the property by the end of the month, which is the reason for the meeting. Mr. Sellers also stated that a Lehman Road Project Change Order might be on the agenda as well.

## CITY COUNCIL MEETING MINUTES

June 20, 2017 – Page 8

Kyle City Hall

### X. Executive Session

20. Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting. The City Council may convene into Executive Session pursuant to any lawful exception contained in Chapter 551 of the Texas Government Code including any or all of the following topics.
1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071.
  2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
  3. Personnel matters pursuant to Section 551.074.
  4. Economic Development negotiations pursuant to Section 551.087.
- Item No. 20 Cover Sheet

There was no executive session.

21. Take action on items discussed in Executive Session.  
Item No. 21 Cover Sheet

### XI. ADJOURN

Council Member Tenorio moved to adjourn. Mayor Pro Tem Fogley seconded the motion. All votes aye; motion carried 7-0.

With no further business to discuss, the City Council adjourned at 9:41 p.m.

---

R. Todd Webster, Mayor

---

Attest: Jennifer A. Vetrano, City Secretary